REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

NORTH WEST FRONTIER PROVINCE

FOR THE YEAR

1928

Price—Rs. 1-5-0 or £ 0-2-3

D AND PUBLISHED BY THE MANAGER, GOVERNMENT PRINTING AND STATIONERY OFFICE, BOOK DEPOT AND FORMS STORE, N. W. F. P., PESHAWAR
for
THE GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
CALCUTTA

1929

REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

IN THE

NORTH WEST FRONTIER PROVINCE

FOR THE YEAR

1928

PRINTED AND PUBLISHED BY THE MANAGER, GOVERNMENT PRINTING AND STATIONERY OFFICE, BOOK DEPOT AND FORMS STORE, N. W. F. P., PESHAWAR
for
THE GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
CALCUTTA

1929

Report on the Administration of Civil Justice in the North West Frontier Province for the year 1928.

Review by the Chief Commissioner.

Since the year 1923, successive reports on the Administration of Civil Justice have traced the effect of the Court-fees Amendment Act on the volume of civil litigation. Although the introduction of this measure had an immediate influence on the number of suits instituted, it was not until 1927 that the full force of this influence was felt. In that year the number of institutions fell to 18,998, the lowest since 1902. A slight rise to 19,056 during 1928 has had little appreciable effect on the situation, particularly as the number of suits of the class principally affected by the enhancement of the court-fee, suits for money and movable property—shows a further decline from 14,815 in 1927 to 14,220. Thus it cannot be said with any certainty that the effect of the enhancement has yet reached a level of permanency. With the possibility in view of a still further decrease in the volume of civil litigation, the restoration of the original scale of court-fees is a matter for serious consideration, and, during the year under review, formed the subject of a report to the Government of India, upon which a decision is awaited.

2. A satisfactory feature of the report on the Administration of Civil Justice for the year 1928 is a further decline in the number of suits instituted by money-lenders against agriculturists. Suits of this class form a useful index to the welfare of the agriculturists themselves, and the Chief Commissioner notes with interest the suggestion of the District Judge, Hazara, that the decline in that district is largely due to the growth of cooperative credit societies in the Haripur Tahsil. Should further experience bear out this view, it should encourage the spread of the cooperative credit movement to other districts of the Province. An increase to 4,836 in the number of title suits marks

a return approximately to the corresponding figures for 1925 and 1926, which were 4,940 and 4,905, respectively, and indicates that the low figure for 1927, 4,183, was abnormal. Similarly, a rise of 115 in preemption suits almost counteracted the fall in the previous year. Matrimonial suits fell once more from 220 to 208.

3. The percentage of disposals was 85 as compared with 89 in the previous year. Assistant commissioners showed an outturn of only 30 suits per head during the whole year. While agreeing with the Judicial Commissioner that this meagre outturn is inadequate to afford assistant commissioners a proper training in civil judicial work, the Chief Commissioner is doubtful whether the complete separation of judicial and executive functions would prove a satisfactory remedy, owing to the preponderance of judicial work over executive, which precludes a fair division of work between the two functions. At the same time the problem of training assistant commissioners in civil judicial work is yearly becoming more acute, and the importance of as many civil cases as possible being tried by them during the year must be recognised. The bulk of the disposals was, as usual, accounted for by the stipendiary munsiffs. The thanks of the Chief Commissioner are due to S. Kirpal Singh, Honorary Munsiff, 1st Class, Peshawar, Khan Bahadur Baz Muhammad Khan of Teri and Khan Sahib Muhammad Ayaz Khan of Lakki for their services in assisting the Administration of Civil Justice during the year.

4. An improvement is noticeable in the average duration of both contested and uncontested suits. The figures for 1928 were 45 days for contested and 31 days for uncontested suits, as against 49 days and 34 days respectively, in the preceding year. A still greater improvement was only prevented by long average durations in Bannu and Dera Ismail Khan. A favourable comparison may be drawn however between the figures for this Province and those for the Punjab, where the average duration for contested and uncontested suits was 137 and 75 days respectively in 1927.

The Chief Commissioner regrets to note a rise in the number of commissions issued from 197 to 248, and agrees with the Judicial Commissioner that the inference to be drawn from this rise is that functions were in some cases

assigned to commissions which should properly have been discharged by the courts. He trusts that this defect will be brought to the notice of all civil courts.

5. In spite of the fall in the number of original suits instituted, the number of appeals before divisional courts increased. This necessitated the appointment of additional judges in both divisions, with whose assistance the pending balance of 878 appeals at the end of 1927, was reduced by the end of 1928 to 643. The number of appeals disposed of in the Derajat Division was 440, the highest on record for the division since 1902. In this connection, the Chief Commissioner wishes to acknowledge the valuable services, which have been specially brought to notice, of Rai Bahadur Bhai Lehna Singh, Divisional Judge, Derajat, who is on the eve of retirement.

6. Very commendable were the results achieved in the Court of the Judicial Commissioner in the disposal of civil business. The average duration of appeals fell from 194 days in 1927 to 177, while disposals rose from 653 to 683. As many as 26 courts were inspected by the Judicial Commissioner and Additional Judicial Commissioner during the year. The Chief Commissioner desires to express his thanks to Mr. J. H. R. Fraser, C.I.E., O.B.E., I. C. S., for his able administration of the Department of Civil Justice during the year 1928. The zeal and ability with which he has set himself to the task of reforming the judiciary, are bearing fruit in the quicker and more efficient disposal of civil work, and in a higher sense of their responsibilities among judicial officers.

C. H. GIDNEY,

Secretary to the Chief Commissioner,

North West Frontier Province.

GP&SO-NWFP—9598to€C—97—5-8-29——(117)

...sions issued from 197 to 248, and agrees
with the Judicial Commissioner that the inference to be
awn from this rise is that functions were in some cases

assigned to commissions which should properly have been discharged by the courts. He trusts that this defect will be brought to the notice of all civil courts.

5. In spite of the fall in the number of original suits instituted, the number of appeals before divisional courts increased. This necessitated the appointment of additional judges in both divisions, with whose assistance the pending balance of 878 appeals at the end of 1927, was reduced by the end of 1928 to 643. The number of appeals disposed of in the Derajat Division was 440, the highest on record for the division since 1902. In this connection, the Chief Commissioner wishes to acknowledge the valuable services, which have been specially brought to notice, of Rai Bahadur Bhai Lehna Singh, Divisional Judge, Derajat, who is on the eve of retirement.

6. Very commendable were the results achieved in the Court of the Judicial Commissioner in the disposal of civil business. The average duration of appeals fell from 194 days in 1927 to 177, while disposals rose from 653 to 683. As many as 26 courts were inspected by the Judicial Commissioner and Additional Judicial Commissioner during the year. The Chief Commissioner desires to express his thanks to Mr. J. H. R. Fraser, C.I.E., O.B.E., I. C. S., for his able administration of the Department of Civil Justice during the year 1928. The zeal and ability with which he has set himself to the task of reforming the judiciary, are bearing fruit in the quicker and more efficient disposal of civil work, and in a higher sense of their responsibilities among judicial officers, to an extent which only those, who are intimate with actual conditions in this Province, are capable of appreciating.

C. H. GIDNEY,

Secretary to the Chief Commissioner,

North West Frontier Province.

GP&SO-NWFP—959StoSC—97—5-8-29——(117)

relegated to commissions which should properly have been disposed of by the courts. He trusts that this defect will be brought to the notice of all civil courts.

5. In spite of the fall in the number of original suits instituted, the number of appeals before divisional courts increased. This necessitated the appointment of additional judges in both divisions, with whose assistance the pending balance of 818 appeals at the end of 1927, was reduced by the end of 1928 to 618. The number of appeals disposed of in the Derajat Division was 1407, the highest on record for the division since 1902. In this connection, the Chief Commissioner wishes to acknowledge the valuable services which have been specially brought to notice, of Rai Bahadur [illegible] Singh, Divisional Judge, Derajat, who is on the eve of retirement.

6. Very commendable were the results achieved in the court of the Judicial Commissioner in the disposal of civil business. The average duration of appeals fell from 401 days in 1927 to 177, while disposals rose from 558 to [illegible]. [illegible] as [illegible] courts were appointed by the Judicial Commission and additional Judicial Commissioner during the year. The Chief Commissioner desires to express his thanks to Mr. J. D. B. [illegible], B., O.B.E., I.C.S., for his [illegible] of the Department of Civil Justice during the year 1928. The zeal and ability with which he has set himself to the task of reforming the judiciary, of securing [illegible] the quicker and more efficient disposal of [illegible], and in a higher sense of their responsibilities among judicial officers, to an extent which only those who are intimate with actual conditions in this Province, are capable of appreciating.

C. H. [illegible]

Secretary to the Chief Commissioner,

North-West Frontier Province.

No. 1563

FROM

E. H. P. JOLLY, ESQUIRE, I. C. S.,

Judicial Commissioner,

North West Frontier Province.

To

C. H. GIDNEY, ESQUIRE, I. C. S.,

Secretary to the Hon'ble the Chief Commissioner,

North West Frontier Province.

Dated Peshawar, 15 May 1929.

SIR,

I have the honour to submit the Annual Report on the Administration of Civil Justice in the North West Frontier Province during the year 1928, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

E. H. P. JOLLY,

Judicial Commissioner,

North West Frontier Province

TABLE OF CONTENTS.

(Maximum limit of report—11 pages.)

JUDICIAL STATEMENTS.

PROVINCIAL APPENDIX A.

Report on the Administration of Civil Justice in the North West Frontier Province for the year 1928

1. Institutions—

The total number of suits instituted during the year under review was 19,056 as against 18,998 in 1927. Of these 19,056 suits, 14,220 were suits for money or movable property and 4,836 were title or other suits.

The table given below shows the institutions in each district during the last two years :—

District	Population	Suits for money or movable property		Title or other suits		Total		Increase (+) or decrease (—)
		1927	1928	1927	1928	1927	1928	
Peshawar ...	907,367	5,723	5,510	1,452	1,920	7,175	7,430	+255
Hazara ...	622,849	2,263	1,947	1,148	1,282	3,411	3,229	−182
Kohat ...	214,123	1,743	1,749	353	333	2,096	2,082	−14
Bannu ...	246,734	2,012	1,937	591	566	2,603	2,503	−100
D. I. Khan...	260,767	3,074	3,077	639	735	3,713	3,812	+99
Total ...	2,251,340	14,815	14,220	4,183	4,836	18,998	19,056	+58

The figure of institutions for 1927 at 18,998 was the lowest since 1902 and the figure for 1928 shows only a

comparatively insignificant increase. The figures for the last seven years are :—

Year			*Institutions*
1922	...	...	27,300
1923	...	...	22,250
1924	...	...	22,517
1925	...	...	23,148
1926	...	...	20,680
1927	...	...	18,998
1928	...	...	19,056

From these figures it will be apparent that a marked decrease occurred in 1923 and that the tendency has been towards still further reduction in the number of institutions inisubsequent years. The main factor in bringing about ths reduction appears to be the enhancement of court fees on suits of value below Rs. 500; this enhancement was brought into effect both in this Province and in the Punjab in 1923, and the conclusion that this change is mainly responsible for the continuance of the reduced rate of institutions is supported by the fact that in the Punjab, where the original scale of court fees was restored in 1926, the number of suits of value below Rs. 500 rose from 156,629 in 1926 to 182,055 in 1927, while in this Province the number of such suits fell from 18,220 in 1926 to 16,645 in 1927, the corresponding figure for 1928 being approximately the same, at 16,756. As requested by the Government of India, a report on the effect of the enhancement of the court fees in this Province was submitted in August 1928, and a further statement in November 1928 with a view to enabling the Government to consider the desirability of a reversion to the original scale of fees by the application to this Province of the Punjab Court Fees (Second amendment) Act of 1926. The figures now available for the year 1928 approximate so closely to those for 1927 as to call for no modification of the views expressed in the above reports, and the question of the reduction of the court fees is still under consideration.

The total volume of litigation for the year under report is approximately the same as for the year 1927 and is equivalent to one suit per 118 head of population.

2. Suits for money or movable property—

This class of suits represents about 7[illegible] per cent. of the total and it is this class which is chiefly affected by the enhanced rate of court fees; the figures show a still further reduction as compared with those for the year 19[illegible]7.

The comparative figures for the last two years are given below :—

District	Year	Suits for money or movable property			
		Contract in writing		Other suits	Total
		Registered	Unregistered		
Peshawar ...	1927	108	3,147	2,468	5,723
	1928	295	3,220	1,995	5,510—213
Hazara ...	1927	25	2,041	197	2,263
	1928	16	1,742	189	1,947 - 316
Kohat ...	1927	18	992	733	1,743
	1928	47	816	886	1,749 + 6
Bannu ...	1927	8	1 572	432	2,012
	1928	4	1,434	499	1,937—75
Dera Ismail Khan ...	1927	51	2,142	881	3,074
	1928	53	2,519	505	3,077 + 3
Total ...	1927	210	9,894	4,711	14,815
	1928	415	9,731	4,074	14,220-595

In Peshawar and Kohat there was a marked increase in the number of suits based on registered instruments, though this was set off by a decrease under other heads. In Hazara there has been a continuous decrease in suits of this class

from 2,929 in 1925 to 2,794 in 1926, 2,263 in 1927 and 1,947 in 1928. Unstamped agreements contained in account books were penalized and a sum of Rs. 4,116 was realised as penalty and duty in Hazara District.

Suits by money lenders against agriculturists show a further drop of 188 from 5,860 to 5,672. The fall is shared by all districts, except Peshawar, where the rise of 606 is unexplained. The decline of 305 in Hazara District is attributed by the district judge to the growth of Cooperative credit societies in the Haripur Tahsil. It will be interesting to see whether the figures for the next year bear out the suggested connection.

3. Title and other suits—

The number of suits of this class rose from 4,183 in 1927 to 4,836 in 1928. The corresponding figures for 1925 and 1926 were 4,940 and 4,905 respectively, and the sudden drop in 1927, which provided the lowest figure on record since 1904, seems to have been abnormal.

Mortgage suits dropped from 494 to 467.

4. Pre-emption suits—

Pre-emption suits increased by 115 from 1,142 to 1,257. The increase is shared by all districts except Bannu, where there was a fall of 64 ascribed to tightness of the money market resulting in fewer transactions of sale of property and to strict enforcement of section 22 of the Pre-emption Act.

5. Matrimonial suits—

There was a further decline in the number of matrimonial suits from 220 to 208, the average number of such suits for the last four years being 216. Of the 208 suits of this nature instituted in 1928 no less than 118 were from the Hazara District; in other parts of the Province parties are apparently less inclined to resort to the courts for settlement of their matrimonial affairs.

6. Value of suits—

Following the increase in institutions the total value of suits rose from Rs. 75,05,062 in 1927 to Rs. 80,98,128 for the year under report. This is explained by the larger

number of suits of value exceeding Rs. 5,000. The number of such suits rose from 173 in 1927 to 269 in 1928. The average value per suit was Rs. 425 as against Rs. 395 for 1927.

7. Agency by which civil business was disposed of—

The table below gives the agency available for the disposal of civil judicial work and the number of suits disposed of during the past two years —

Officers	Number of officers at the close of the year		Number of cases disposed of		Percentage of total disposals	
	1927	1928	1927	1928	1927	1928
Divisional Judges ...	5	5	5	5	·03	·03
District Judges ...	5	5	797	788	4·04	4·04
Assistant Commissioners ...	12	13	557	384	2·82	1·96
Judicial Extra Assistant Commissioners ...	4	4	491	475	2·49	2·42
Extra Assistant Commissioners	19	19	1,689	1,737	8·57	8·88
Cantonment Small Cause Court Judge ...	1	1	444	884	2·25	4·52
Munsiffs... ...	8	8	12,394	12,221	62·91	62·79
Tahsildars ...	16	17	1,097	1,091	5·57	5·57
Naib Tahsildars ...	5	3	245	324	1·24	1·34
Honorary Civil Judges ...	33	*13	1,987	1,653	10·08	8·45
Total ...	108	88	19,706	19,557	100	100

*The marked disparity in the number of officers is due to the fact that this year the number of benches (not of member of benches) has been given.

Of the total number of suits for disposal before the courts, 19,557 or 85 per cent. were disposed of as against 19,706 or 89 per cent. in the previous year. Divisional judges decided five suits under the Land Acquisition Act. The disposals by district judges, judicial extra assistant commissioners, munsiffs and tahsildars were slightly less than in the previous year. Assistant Commissioners

decided 384 suits as against 557 for 1927, and showed an outturn of only 30 suits per head for the whole year. As pointed out in last year's report, in view of the large amount of criminal and other work which falls to the lot of assistant commissioners, it has become impossible to allot to these officers an amount of civil judicial work sufficient to afford them adequate training on the civil side, and in my opinion the only remedy lies in the direction of a more complete separation of judicial and executive functions.

There was an improvement in the disposals of the Cantonment Small Cause Court Judge (Civil Extra Assistant Commissioner) Peshawar who decided 884 suits as against 444 for 1927.

The stipendiary munsiffs were, as usual, responsible for about two third of the entire disposals, while honorary agency contributed about 8½ per cent. of the disposals. Conspicuous for their assistance in the administration of civil justice are S. Kirpal Singh, Honorary Munsiff, 1st class, at Peshawar, Khan Bahadur Baz Muhammad Khan of Teri (Kohat), and Khan Sahib Muhammad Ayaz Khan of Lakki (Bannu) who disposed of 463, 376 and 196 suits respectively.

The benches at Charsadda and Tangi disposed of 154 cases only. These courts have since been abolished.

In the Bannu and Hazara districts although there has been a progressive decrease in the total number of suits for disposal in each of the last three years, there has been an even greater decrease in the number of suits disposed of, with the result that the number of suits pending at the end of the year in those districts has shown a progressive increase since 1926. This is somewhat disappointing.

8. Average duration—

There is some improvement in the average duration of suits both contested and uncontested. The figure has dropped from 49 days in 1927 to 45 days in 1928 in the case of contested suits, and from 34 to 31 days in the case of uncontested suits. As among districts, the average durations in Bannu and Dera Ismail Khan do not compare favourably with the provincial figures.

The District Judge, Dera Ismail Khan, ascribes this to frequent transfers amongst officers.

The rate of disposal of suits in this Province compares favourably with that in the neighbouring province of the Punjab where the average duration of contested and uncontested suits was 137 and 75 days respectively in 1927.

The number of suits pending at the close of the year was 3,307, of which 23 had been pending for over one year, 12 in Peshawar, one in Kohat, 6 in Bannu and 4 in Dera Ismail Khan.

9. Commissions—

The number of commissions issued during the year rose from 197 in 1927 to 248 for 1928. The increase is shared by all districts except Kohat. In view of the fact that the number of suits instituted was approximately the same as in the previous year while the number disposed of declined, the increase in the number of commissions issued lends support to the remark of the Divisional Judge, Peshawar, that there was in some cases a tendency on the part of judges to attempt to delegate to commissions functions which should properly be discharged by the court.

10. Arbitration—

The number of suits decided by reference to arbitration was 820 as against 833 in the previous year. Dera Ismail Khan shows a rise from 364 to 390 and heads the list, while Bannu shows a drop from 268 to 240. These figures call for no special comment. Agreements continued to be carefully scrutinised with a view to levy of stamp duty and penalty where necessary.

11. Miscellaneous cases—

There were 4,592 miscellaneous cases before the courts, as compared with 4,766 in the previous year. Of those 4,066 were disposed of-leaving a balance of 526 at the close of the year. As usual, the majority of these comprised applications for restoration of suits dismissed in default or for cancellation of *exparte* decrees.

As in the previous year, 11 per cent. of the decided

cases were dismissed in default (2,096). Applications were made for restoration in 927 cases, equivalent to 46 per cent. and were accepted in 618 cases. Out of 1,087 applications for setting aside of *exparte* decrees, 600, *i. e.* 55 per cent, were accepted.

12. Guardian and Wards Act—

There were 185 applications before courts under the Guardian and Wards Act. Of these only 48 were accepted. The largest number of such applications was in Bannu District and many of these were merely for obtaining the sanction of court to sell or mortgage minors' property. Accounts of minors' estates have been adequately supervised by the district courts and are checked annually at the time of inspection by the Judicial Commissioner.

13. Provincial Insolvency Act—

The number of insolvency petitions for disposal was 195 as against 213 in 1927 and 187 in 1926. Adjudication orders were made in fifty-one cases. The bulk of the work under this Act emanates from the Peshawar District. There was a decrease in all districts excepting Dera Ismail Khan, where the number of applications rose from 25 to 48. This rise is reported to be due to extraordinary trade depression, resulting in the failure of some business firms. The fall in Peshawar is attributed by the District Judge to the enforcement of the provisions of section 13 (1) of the Provincial Insolvency Act. Official receivers are appointed in the two districts of Peshawar and Dera Ismail Khan and invested with certain powers under section 80 of the Provincial Insolvency Act, V of 1920.

14. Appeals from decrees—

As in the previous year, there was an increase in the number of appeals before the divisional courts, although the institutions of original suits showed a decrease. Out of 1,822 appeals for disposal, the divisional courts decided 1,268 as against 1011 for the year 1927, leaving a balance of 554 at the end of 1928 as against 772 at the end of 1927. This reduction was rendered possible by the appointment of additional judges in both divisions.

In Peshawar a second additional Judge was working for

a total period of 9½ months in 1928 as against a period of four months in 1927. For the first 4½ months of 1928 Khan Bahadur Abdul Ghafur Khan of Zaida with commendable public spirit, officiated in this post in an honorary capacity and for five months the post was occupied by stipendiary officers. In view of the material increase in criminal work the increase in disposal of civil appeals from 769 in 1927 to 1,029 in 1928, and the consequent reduction of the number of appeals pending from 597 at the end of 1927 to 446 at the end of 1928 may be regarded as very satisfactory.

In Derajat an additional judge was working for a period of 2½ months during the year under report as against a period of 3 months in 1927. The additional judge confined himself, as before, to criminal work from the Kohat and Bannu Districts, leaving the Divisional Judge free to deal with civil appeals. During these 2½ months the Divisional Judge disposed of 304 civil appeals, and the total number of appeals disposed of during the year was 440, the highest figure on record for the division since 1902, while the number of appeals pending was reduced from 281 at the end of 1927 to 197 at the end of 1928.

Criminal work occupies a large proportion of the time of the Divisional Judge and Rai Bahadur Bhai Lehna Singh, who is now on the eve of retirement, is to be congratulated on an excellent year's work.

District judges collectively disposed of 345 appeals, a figure slightly below that of the previous year, the average duration being 54 days. This figure is disproportionately inflated by the returns from Bannu District where the average duration rose from 50 to the high figure of 103 days.

15. Appeals from miscellaneous orders—

In addition to regular appeals, the number of miscellaneous appeals disposed of by divisional judges and district Judges was 201 and 126 respectively as against 162 and 128 for the previous year.

16. Execution of decrees—

There were 24,333 applications for execution of d[illegible] before the courts as against 24,684 in the previou[illegible]

these 20,113 were disposed of, leaving a balance of 4,220 at the close of the year, of which 154 were more than six months old. Of the applications disposed of 25 per cent were fully satisfied, 15 per cent, partly satisfied and 60 per cent. were wholly infructuous.

The amount for realization was Rs. 54,63,226 out of which Rs. 23,49,871 or 43 per cent. was realized as against 39 per cent during the previous two years. This improvement may be regarded as satisfactory, especially when compared with the figures for the Punjab, where the realizations in 1927 amounted to 26 per cent. As amongst the districts Bannu still heads the list with realizations of 55 per cent. as against 50 per cent. in the previous year. The honorary and the stipendiary munsiffs showed the best results. The percentage of realizations in Kohat, though better than in the previons year, is still the lowest.

Of the total realizations 34 per cent. was paid voluntarily as against 37 per cent. in the previous year, and the remainder by coercive measures as under :—

By arrest of judgment-debtors	...	12 per cent
By imprisonment of judgment-debtors		4 „
By attachment of property	...	32 „
By sale of property ...	...	18 „

Four hundred and seventy-one judgement debtors were ordered to be detained in the civil jail.

17. Witnesses—

The number of witnesses who appeared before courts without summonses was 10,720 as against 12,682 in the previous year, while the number of witnessess for whom summonses were issued rose from 14,315 to 16,987. Thus the total number who appeared or were summoned was 27,707.

18. Process-serving agency—

The total number of processes issued during the year (civil, criminal and revenue) was 253,395 as against 272,757 in 1927. The decrease may be attributed partly to the decrease in disposals and partly to the practice of service by parties themselves. Of the total of 183,981 civil processes

some 17 per cent. were served by the parties themselves.

The subjoined statement shows the financial aspect of the process serving agency for the last three years :—

Year	Income	Expenditure	Profit
	Rs.	Rs.	Rs.
1926	1,23,858	70,322	53,536
1927	1,06,769	71,257	35,512
1928	1,12,961	71,827	41,134

From this it will appear that although the number of processes issued in the year under review was less than that of the previous year, the income rose by Rs. 6,192 and there was consequently an increased saving after defraying the slightly increased expenditure. This increase in income is contributed entirely by Peshawar and may be due partly to the institution of a larger number of suits of higher value and to increased disposals in appellate courts. The District Judge, Peshawar, however, states that the accuracy of the figures for his district is open to doubt. In Kohat the decreased number of processes has so affected the income that expenditure has exceeded income by Rs. 402.

As a result of the introduction of the amendment to rule 8 of order 16 of the Civil Procedure Code providing for service of summonses on witnesses by parties themselves in the first instance, it is proposed to reduce the process fee in cases in which summonses are served by parties themselves, and to effect a corresponding reduction in the strength of process servers. These proposals are under the consideration of the Government. The work of the process serving agency has considerably improved as the result of increased personal attention to this branch of work by most of the district Judges. In Hazara District, for example, the percentage of personal service has risen from 72 in 1926 to 78 in 1927 and 82 in 1928.

19. Judicial Commissioner's Court—

The disposal of civil business in the Court of the Judicial Commissioner during the past three years is shown in the

statement given below :—

Disposed of in			Appeals from original decrees	Appeals from appellate decrees	Miscellaneous appeals	Petitions for revision	Total
1926	...	...	59	125	102	282	568
1927	...	...	75	71	79	428	653
1928	...	...	57	98	93	435	683

The average duration of appeals fell from 194 days in the previous year to 177 days in the year under review while the disposals rose from 653 to 683 cases.

There was no reference under the Workmen's Compensation Act.

The office of Judicial Commissioner was held by J. H. R. Fraser, Esquire, C.I.E., O.B E., I. C. S., throughout the year, and Khan Bahadur Saaduddin Khan continued to work as Additional Judicial Commissioner.

20. General—

(*i*) The year's inspection work is shown in the statement attached as Appendix A. It will appear that out of 70 courts on the civil side, the Judicial Commissioner and the Additional Judicial Commissioner inspected 26 courts, divisional judges 25 courts, and district judges 19 courts. At present inspection work is so arranged that each subordinate court is inspected during the year by one or another inspecting officer.

(*ii*) In 1927 certain rules of procedure in the first schedule of the Civil Procedure Code were amended. One important amendment provided that summonses should ordinarily be made over for service to the party calling the witnesses. As remarked in paragraph 18 of this report, the question of reduction of the process fee in such cases is under consideration and will depend largely upon the possibility of a reduction in the staff of process servers as the result of the consequent reduction in the volume of their work. It was hoped that this amendment would also expedite disposals

and there has been some improvement during the year in the figures of average duration, but it is too early yet to attempt to trace here any definite connection of cause and effect.

(*iii*) The benches of honorary munsiffs at Charsadda and Tangi ceased to function in the course of the year 1928. The question of disposal of the work previously done by them has been under consideration together with certain complaints from the residents of Charsadda Sub-Division about difficulties attending civil litigation there, and as a tentative measure the Assistant Commissioner at Charsadda has been invested with powers of distributing civil business under section 73 of the Law and Justice Regulation, VII of 1901, and the Extra Assistant Commissioner there has been invested with small cause powers up to Rs 100, the object being to obviate the necessity of parties coming in to the District Court, Peshawar, in the first instance in the case of suits triable in Charsadda.

(*iv*) The question of the extension of the Punjab Court Fees (Second Amendment) Act, 1926, to this Province is still under consideration of the Government of India.

(*v*) As a result of the recommendations of the Civil Justice Committee, the Government of India have prescribed revised tables to be appended to the Annual Civil Administration Report. Tables have accordingly been prepared in the prescribed forms and appended to this report.

(*vi*) At the end of 1928 there were 243 legal practitioners borne on the rolls of this Court, 158 of the 1st grade and 85 of the 2nd grade; the number added during the year being 27, the rapidity of the increase is out of all proportion to the requirements of the Province, but is probably only a reflection of similar conditions in other parts of the country.

E. H. P. JOLLY,

Judicial Commissioner,

North West Frontier Province.

PESHAWAR :

6 May 1929.

PROVINCIAL APPENDIX A

Serial No.	Officer	Number of courts inspected
1	Judicial Commissioner	19
2	Additional Judicial Commissioner	7
3	Divisional Judge, Peshawar	10
4	Additional Divisional Judge, Peshawar ...	8
5	Divisional Judge, Dera Ismail Khan	7
6	District Judge, Peshawar	4
7	District Judge, Hazara	2
8	District Judge, Kohat	5
9	District Judge, Bannu	4
10	District Judge, Dera Ismail Khan	4
	Total ...	70

GP&SO-NWFP—531JC-70—PB-20—16-7-29—(47)

TABLE No. 25

Statement showing the number of judicial divisions and number of officers exercising appellate or original jurisdiction in the North West Frontier Province on 31 December 1928

Province	Judges of Chief Court of Province	Civil				Remarks
		Number of districts	District judges	Other judges		
				Stipendiary	Honorary	
1	2	3	4	5	6	7
North West Frontier Province.	2	5	* 5	† 65	‡ § 13	* Four do both civil and criminal work. † Fifty-six do both civil and criminal work. ‡ Three benches (two doing both civil and criminal work). § Nine do both civil and criminal work.

TABLE No. 26

Statement showing the number of civil cases decided in, and the receipts and charges of, the courts in the North West Frontier Province for the year 1928

Name of province	Total number of cases decided				Total receipts of the courts	Total charges of the courts	Remarks
	Original		Appeals				
	Regular	Miscellaneous	Regular	Miscellaneous			
1	2	3	4	5	6	7	8
					Rs.	Rs.	
North West Frontier Province ...	19,557	4,066	1,768	421	9,70,790	7,46,186	

TABLE No. 27

Statement showing the number and description of civil suits instituted in the civil courts in the North West Frontier Province for the year 1928

Class of tribunal	Suits for money or movable property	Title and other suits					Grand total	Remarks
		Suits for immovable property	Suits for specific relief	Mortgage suits	Other suits not falling under any of the preceding heads	Total		
1	2	3	4	5	6	7	8	9
Honorary courts	1,026	337	44	100	61	542	1,568	
Tahsil courts	508	711	24	99	19	853	1,361	
Cantonments small cause courts ...	666	31	23	...	1	55	721	
District courts other than chief courts of district.	11,721	1,946	367	263	347	2,923	14,644	
Chief courts of district ...	299	243	26	5	189	463	762	
Total ...	14,220	3,268	484	467	617	4,836	19,056	

TABLE No. 28

Statement showing number and value of suits instituted in the civil courts in the North West Frontier Province in the year 1928

Class of tribunal	Number of suits instituted in different courts								Total number of suits instituted	Total value of suits	Remarks
	Not exceeding Rs. 10	Not exceeding Rs. 50	Not exceeding Rs. 100	Not exceeding Rs. 500	Not exceeding Rs. 1,000	Not exceeding Rs. 5,000	Exceeding Rs. 5,000	Number of suits the value of which cannot be estimated in money			
1	2	3	4	5	6	7	8	9	10	11	12
Honorary courts	164	287	173	785	96	58	5	...	1,568	4,99,560	
Tahsil courts	364	447	313	237	...	...	...	...	1,361	90,947	
Cantonments small cause courts ...	61	210	165	195	13	69	8	...	721	2,67,377	
District courts other than chief courts of districts.	1,480	3,662	3,437	4,700	988	265	112	...	14,644	34,80,331	
Chief courts of districts ...	2	19	5	50	24	518	144	...	762	37,59,922	
Total ...	2,071	4,625	4.093	5,967	1,121	910	269	...	19,056	80,98,138	

TABLE No. 29

***Statement showing the general results of trial of civil cases in courts of original jurisdiction in the North West Frontier Province in the year 1928** (civil suits)*

Class of tribunals	Number of suits before the courts				Number of suits disposed of excluding transfers					Pending at the close of the year	Pending for more than a year	Average duration of suits		Remarks
	Pending at the beginning of the year	Instituted during the year	Rvi ved during the year	Total	Without trial	Without contest	With contest		On reference to arbitration			Average duration in days of contested suits	Average duration in days of uncontested suits	
							Judgment for plaintiff	Judgment for defendant						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Honorary courts ...	281	1,568	108	1,957	304	579	496	189	85	304	4	83	37	
Tahsil courts... ...	215	1,361	89	1,665	308	412	467	203	25	250	...	35	28	
Cantonment small cause courts ...	159	721	136	1,015	115	431	251	85	2	131	3	25	17	
District courts other than Chief courts of district.	2,306	14,644	343	*17,293	1,964	5,310	5,225	1,955	363	2,468	5	42	31	
Chief courts of district ...	143	762	32	937	60	97	221	60	345	154	11	52	44	
Total ...	3,104	19,056	707	*22,867	2,751	6,829	6,660	2,492	820	3,307	23	45	31	

*Includes 8 cases transferred.

SUPPLEMENTARY STATEMENT TO TABLE No. 29—CIVIL

Statement showing the number of civil suits pending in the courts of original jurisdiction in the North West Frontier Province at the end of the 1928, according to the years of institution

Class of tribunals	Total number of suits pending	Classification of suits pending according to the year of institution									Remarks
		1920	1921	1922	1923	1924	1925	1926	1927	1928	
1	2	3	4	5	6	7	8	9	10	11	12
Honorary courts ...	304	...	...	...	1	...	...	1	2	300	
Tahsil courts... ...	250	...	...	...	...	...	...	...	...	250	
Cantonment small cause courts ...	131	...	...	...	...	...	...	...	3	128	
District courts other than chief courts of districts.	2,468	...	...	...	...	...	...	...	5	2,463	
Chief courts of districts ...	154	...	...	...	...	...	...	5	6	143	
Total ...	3,307	...	...	...	1	...	...	6	16	3,284	

TABLE No. 30

Statement showing the general results of trial of civil cases in courts of original jurisdiction in the North West Frontier Province in the year 1928 (miscellaneous cases)

Class of tribunals	Number of suits before the courts				Number of suits disposed of, excluding transfers					Pending at the close of the year	Pending for more than a year	Average duration of suits		Remarks
	Pending at the beginning of year	Instituted during the year	Revived during the year	Total	Without trial	Without contest	With contest		On reference to arbitration			Average duration in days of contested suits	Average duration in days of uncontested suits	
							Judgment for plaintiff	Judgment for defendant						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Honorary courts ...	74	508	2	584	129	53	225	113	...	64	...	28	17	
Tahsil courts	22	255	...	277	89	36	95	41	...	16	...	23	18	
Small cause courts ...	5	145	...	150	23	14	63	36	...	14	...	25	31	
District courts other than chief courts of district.	280	2,440	30	2,750	637	115	895	786	2	315	...	28	17	
Chief courts of districts ...	115	716	...	831	154	31	353	176	...	117	1	38	31	
Total ...	496	4,064	32	4,592	1,032	249	1,631	1,152	2	526	1	30	20	

TABLE No. 31

Statement showing the business of civil appellate courts in the North West Frontier Province during the year 1928 (appeal from decrees)

Class of tribunals	Number of appeals before the courts: Pending at the beginning of the year	Number of appeals before the courts: Instituted and re-instituted during the year	Number of appeals before the courts: Total	Appeals from decrees — Appeals disposed of (excluding transfers): Dismissed or not prosecuted	Confirmed	Modified	Reversed	Remanded	Pending at the close of the year	Pending for more than a year	Average duration of appeals: Average duration in days of contested appeals	Average duration of appeals: Average duration in days of uncontested appeals	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14
District appellate courts other than chief courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	
Chief appellate courts of districts	42	340	382	91	138	29	67	20	37	...	54	34	
Superior appellate courts other than chief court of Province	771	1,051	1,822	175	556	134	251	152	554	3	208	118	
Total ...	813	1,391	2,204	266	694	163	318	172	591	3	179	89	
Chief Court of Province — Appeals from original decree ...	41	46	87	7	23	14	8	5	30	3	217	65	
Chief Court of Province — Appeals from appellate decree ...	34	86	120	43	14	21	16	4	22	...	142	41	
Total ...	75	132	207	50	37	35	24	9	52	3	177	46	
Grand total ...	888	1,523	2,411	316	731	198	342	181	643	6	178	82	
Revisions													
Chief Court of Province — Under section 25, Small Causes Court Act...	12	45	57	27	7	1	6	2	14	...	...	...	
Chief Court of Province — Others	52	314	366	206	46	3	31	17	63	...	...	...	
Total ...	64	359	423	233	53	4	37	19	77	...	...	...	

TABLE No. 32

Statement showing the business of civil appellate courts in the North West Frontier Province during the year 1928 (miscellaneous appeals)

Class of tribunals	Number of appeals befor the courts			Appeals disposed of (excluding transfers)					Pending at the close of the year	Pending for more than a year	Average duration of appeals		Remarks
	Pending at the beginning of the year	Instituted and reinstituted during the year	Total	Dismissed or not prosecuted	Confirmed	Modified	Reversed	Remanded			Average durtion in days of contested appeals	Average duration in days of uncontested appeals	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
District appellate courts other than chief court of district ...	...	1	1	1	...	...	...	...	...	...	..	11	
Chief appellate court of districts	22	123	145	33	36	2	39	16	19	...	50	34	
Superior appellate courts other than Chief Court of Province	106	184	290	55	64	6	50	26	89	...	127	86	
Total ...	128	308	436	89	100	8	89	42	108	...	97	66	
Chief Court of Province. { Appeals from original orders ...	7	92	99	41	16	2	19	6	15	...	71	29	
Chief Court of Province. { Appeals from appellate orders ...	1	8	9	3	5	...	...	1	..	...	90	22	
Total ...	8	100	108	44	21	2	19	7	15	...	73	29	
Grand total ...	136	408	544	133	121	10	108	49	123	...	93	54	
Revisions.													
Chief court of Province. { Under section 25, Small Causes Court Act	3	2	5	4	...	...	...	1	...	...	...	...	
Chief court of Province. { Others	22	92	114	54	20	1	7	2	30	...	...	...	
Total ...	25	94	119	58	20	1	7	3	30	...	...	...	

JUDICIAL STATEMENT No. 11—CIVIL

Statement showing the result of proceedings on applications for the execution of the decrees of the civil courts in the North West Frontier Province in the year 1928

Class of courts	Total number of applications for execution of decrees before the courts	Applications disposed of				Pending at the close of the year	Number of applications pending more than three months at the close of the year	Amount realised	Number of applications			
		By transfer	Satisfaction obtained in full	Satisfaction obtained in part	Wholly infructuous				On which the judgment debtor was imprisoned	On which he was arrested but released without imprisonment	On which movable property	
											Was sold	Was attached, but subsequently released
1	2	3	4	5	6	7	8	9	10	11	12	13
COURTS IN THE INTERIOR												
I—CIVIL COURTS								Rs.				
Honorary courts ...	2,287	4	494	300	1,128	361	28	1,47,832	47	194	42	244
Tahsil courts ...	880	...	272	134	367	107	8	16,226	2	31	10	74
Small cause courts (cantonments) ...	687	...	101	104	374	108	...	21,341	...	...	...	...
District courts other than chief courts of districts ...	18,937	88	3,635	2,154	9,678	3,382	100	9,85,862	376	1,603	304	1,957
Chief courts of districts ...	1,542	1	382	315	582	262	18	11,78,610	36	53	12	38
Total ...	24,333	93	4,884	3,007	12,129	4,220	154	23,49,871	461	1,881	368	2,313

(Imperial) JUDICIAL STATEMENT No. 11—CIVIL—*concluded*

Statement showing the result of proceedings on applications for the execution of the decrees of the civil courts in the North West Frontier Province in the year 1928—concluded

Class of courts	Number of applications—*concluded*								
	On which immovable property			On which possession was given		On which specific performance was enforced	On which partition was effected	On which execution was effected otherwise than in the preceding columns	Remarks
	Was sold	Was dealt under Order XXI, Rule 83	Was attached, but subsequently released under Order XXI, Rule 55	Of movables	Of immovables				
1	14	15	16	17	18	19	20	21	22
COURT IN THE INTERIORS.									
I—Civil Courts.									
Honorary courts	39	...	83	...	114	...	...	...	
Tahsil courts	8	...	11	...	88	...	...	...	
Small cause courts (cantonments) ...	...	...	...	...	...	...	...	...	
District courts other than chief courts of districts	267	...	701	...	329	...	...	12	
Chief courts of districts ...	133	...	98	15	41	...	5	...	
Total ...	447	...	893	15	572	...	5	12	

(Imperial)

STATEMENT No. 12—CIVIL

Showing results of application for insolvency in the year 1928

Class of tribunals	Insolvency petitions: Total for disposal	Insolvency petitions: Disposed of: Withdrawn under section 7	Insolvency petitions: Disposed of: Dismissed under section 16	Insolvency petitions: Disposed of: Adjudication order made: Receiver being appointed	Insolvency petitions: Disposed of: Adjudication order made: Receiver not being appointed	Insolvency petitions: Disposed of: Total disposed of	Insolvency petitions: Pending at the end of the year	Composition or arrangement under section 27	Debtors sentenced under section 43 (2)	Undischarged insolvents sent for trial under section 53 (2)	Insolvents discharged under section 44	Estates of insolvents: In hands of receiver at close of previous year	Estates of insolvents: Placed in charge of receiver during the year	Estates of insolvents: Total for disposal	Estates of insolvents: Finally disposed of during the year	Estates of insolvents: In hands of receiver at close of year	Amount of creditors' claims dealt with during the year: Admitted	Amount of creditors' claims dealt with during the year: Satisfied	Gross amount of insolvents estates: Realised during the year	Gross amount of insolvents estates: Discharged during the year	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
																	Rs.	Rs.	Rs.	Rs.	
Chief courts of the districts	195	6	93	47	4	150	45	...	...	1	9	44	47	91	35	56	13,53,869	62,562	1,48,293	1,64,689	